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July 29, 2005

Via Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 02-52; GN Docket No. 00-185; CC Docket Nos. 02-33,
95-20 & 98-10
Notice of *Ex Parte* Submission

Dear Ms. Dortch:

On July 29, Veronica O'Connell of CEA, Kenneth DeGraff of Consumers Union, Alan Davidson of Google, Paula Boyd of Microsoft Corporation, Chris Murray of Vonage, John Scheibel of Yahoo! Inc., Andy Schwartzman of Media Access Project, and the undersigned met with Commissioner Copps and Jessica Rosenworcel, Legal Advisor to Commissioner Copps, to urge the Commission to endorse enforceable protections for "net neutrality" as it considers the classification of wireline broadband to be a Title I regulated service. We explained the need for an enforceable "net neutrality" provision because network operators had the opportunity, incentive and ability to violate these net neutrality principles. We emphasized that several examples of active blocking or impairing of Internet service from around the country and from around the world demonstrated that this is more than a theoretical concern. We also explained the need for the Commission to enable consumers or companies experiencing discriminatory treatment to have their concerns promptly reviewed and resolved. Finally, we discussed the Commission's clear authority to adopt rules and policies on net neutrality under its Title I jurisdiction, as the recent Supreme Court decision in *Brand X* recognized.

In addition, on July 28, the undersigned communicated with Ms. Rosenworcel, and Michelle Carey, Scott Bergmann and Russ Hanser concerning the same matter and covered the same points.

Sincerely,



Gerard J. Waldron

cc: Ms. Jessica Rosenworcel
Ms. Michelle Carey
Mr. Scott Bergmann
Mr. Russ Hanser